United Nations S/PV.5742

Security Council

Sixty-second year

Provisional

5742nd meeting

Friday, 14 September 2007, 10.15 a.m.

New York

President:	Mr. Ripert	(France)
Members:	Belgium	Mr. Verbeke
	China	Mr. Liu Zhenmin
	Congo	Mr. Biabaroh-Iboro
	Ghana	Mr. Christian
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Panama	Mr. Arias
	Peru	Mr. Chávez
	Qatar	Mr. Al-Qahtani
	Russian Federation	Mr. Rogachev
	Slovakia	Mr. Bartho
	South Africa	Mr. Maqungo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. Wolcott Sanders

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter dated 31 July 2007 from the Secretary-General addressed to the President of the Security Council (S/2007/538)

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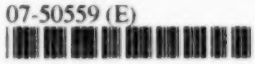

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter dated 31 July 2007 from the Secretary-General addressed to the President of the Security Council (S/2007/538)

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2007/541, which contains the text of a draft resolution prepared in the course of the Council's prior consultations. I also wish to draw the attention of the members to document S/2007/538, which contains a letter dated 31 July 2007 from the Secretary-General addressed to the President of the Security Council.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Belgium, China, Congo, France, Ghana, Indonesia, Italy, Panama, Peru, Qatar, Slovakia, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

None

Abstaining:

Russian Federation

The President (*spoke in French*): There were 14 votes in favour, none against and 1 abstention. The draft resolution has been adopted as resolution 1775 (2007).

I shall now give the floor to those members of the Council wishing to make statements following the voting.

Mr. Rogachev (Russian Federation) (*spoke in Russian*): The Russian Federation shares the understanding reached in the Security Council on the need to defer until the end of the present year the consideration of the question of the appointment of a new Prosecutor for the International Criminal Tribunal for the former Yugoslavia. There were several possible ways to resolve this generally technical issue. However, the option introduced in the Security Council seems to us to be the least successful one.

The Russian delegation has frequently expressed doubts as to whether Ms. Del Ponte understands her mandate properly. Instead of carrying out the professional duties of a jurist employed by the international community to support an impartial prosecution in the Tribunal, the current Prosecutor's priority has become assuming the functions of some kind of quasi-political player having the audacity to write a prescription in the area of international relations. This has been significantly assisted by the fact that, in our eyes, the Tribunal has increasingly assumed features of a non-transparent, biased and costly organ of international justice.

The situation regarding the International Criminal Tribunal for the former Yugoslavia requires urgent correction. We must pin our hopes on the new Prosecutor of the Tribunal, who will assume the post in three and a half months' time.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): In accordance with the two resolutions we have just adopted, Mr. Jallow will be reappointed as Prosecutor of the International Criminal Tribunal for Rwanda for another four years and the mandate of Ms. Del Ponte as the Prosecutor of the International Criminal Tribunal for the former Yugoslavia will be extended for three months. I would like to express our congratulations to them.

In their respective work over the past few years, the two Prosecutors have worked diligently. Faced with the completion strategies of the two Tribunals, their responsibilities will be more demanding. We hope that the two Prosecutors will continue to strive for greater efficiency, fairness and justice in their work.

With regard to the Prosecutor of the International Tribunal for the Former Yugoslavia, the views expressed by the representative of the Russian Federation are understandable. However, given the fact that the three-month extension is merely a transitional arrangement, we are ready to respect the Secretary-General's nomination. As the Tribunal is under the pressure of time with regard to the completion strategy, it is even more imperative that the Prosecutor press ahead with the prosecution, while managing all the work related to the transition. She is also expected to cooperate in ensuring the success of the completion strategy and to establish a solid groundwork for her successor.

Ms. Pierce (United Kingdom): I had not intended to take the floor today, but in the light of the previous explanations of vote, I wanted to place on record the United Kingdom's very strong support for the work of the International Tribunal for the Former Yugoslavia and of all its Prosecutors, and in particular for Ms. Del Ponte.

Under Ms. Del Ponte's stewardship of the International Tribunal, the number of outstanding fugitives has been reduced to a handful. I think that that handful is actually numbered at four, though I am open to correction. She has been responsible for seeing delivered to the Tribunal some of the most prominent indictees, including ones mentioned by name in this Chamber. I am thinking in particular of General Gotovina of Croatia. She has also been instrumental in ensuring the voluntary surrender of Haradinaj from Kosovo. Those are very important achievements.

We do not believe that it helps foster widespread or regional support for the Tribunal for there to be any question over the support of the Security Council for its work. I say that particularly in the light of certain statements from one country in the region, undermining the work that the Tribunal has been doing.

One of the particular concerns we have is that we hope that the two most prominent indictees outstanding — they are, of course, Karadzic and Mladic, who are indicted for the murder of over 7,000 Muslim men and boys at Srebrenica in 1995 — will not gain any succour from the result today, or believe that they can continue to challenge with impunity the will of the Chamber, the will of this Council and the will, I think, of the international community that they be transferred speedily to The Hague.

I would just like to recall that, in 2003 and 2004, we in this Chamber adopted two resolutions under Chapter VII, making clear that, should Karadzic and Mladic be transferred or apprehended at whatever stage of the completion strategy, or even after the completion strategy, they will be tried by the International Tribunal for the Former Yugoslavia.

The President (*spoke in French*): I should like to make a statement in my national capacity simply to reaffirm France's support for the work of Ms. Carla del Ponte, its appreciation for her achievements at the Tribunal, and its firm resolve to continue to cooperate fully with the Tribunal in the pursuit of its tasks.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.20 a.m.